

REMARKS

Claims 1, 2, 4, 5, 7, 9-18, and 21-25 are pending in this application. The informality identified regarding claim 22 has been corrected. Claim 25 is canceled without prejudice or disclaimer. Due to the informalities associated with claim 25 (See Page 3, of the Office Action dated 10/03/03) claim 25 has been canceled without prejudice or disclaimer and new Claim 26 represents the subject matter of the canceled claim 25 in its entirety. The amendments to the claims 1, 9, 10, 17, 18, 21 and 22 and remarks from the February 3, 2004 Amendment and Response are included herein. Applicants submit no new matter has been added by way of this amendment. Applicants respectfully request reconsideration of the above-identified application, in view of the above amendment and following remarks.

Applicants thank the Examiner for indication that claims 1, 2, 4, 5, 7, 9-18, and 23-24 contain allowable subject matter and would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, set forth in the Office Action.

Claim Rejections – 35 U.S.C. § 112

Claims 1, 2, 4, 5, 7, 9-18, and 21-25 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully submit that the amendments herein clarify the relationships between elements recited in the claims. Therefore, Applicants submit that the amendments address the issues raised in the Office Action and submit that the rejections have been rendered moot. Specifically, claims 1, 21, 22, 23 and 24 are

rejected based on the term “the directing element,” whereas claim 25, is rejected based on a filing informality.

Applicants respectfully submit that the amendments further clarify the relationships between elements recited in the claims. Therefore, Applicants submit that the amendments address the issues raised in the Office Action and submit that the rejections have been rendered moot. Accordingly, Applicants respectfully request withdrawal of this ground for rejection.

Claim Rejections – 35 U.S.C. § 102

1. Claims 21-22 are rejected under 35 U.S.C. § 102(b), as being anticipated by Brzezinski, et al. (US Patent No. 4,262,659). Applicants respectfully submit that independent claim 21 has been amended to clarify the 35 U.S.C. § 112, sixth paragraph, mean plus function language of the claim.

Applicants respectfully submit that since the language of claim 21 has been amended to comply with 35 U.S.C. § 112, sixth paragraph, the rejection based on the Brzezinski has been obviated and rendered moot. Specifically, when the claims are read in accordance with the means plus function doctrine, the elements recited in the specification which support the claim are clearly patentably distinct from the Brzezinski patent.

Amended independent claim 22 recites, “imparting to each of said partial flows a swirling motion about the longitudinal axis through elongated directing elements situated on said first and second heat-exchange surfaces in a first row and a second row.” Applicants respectfully submit the Brzezinski patent does not teach directing elements situated on both heat exchange surfaces. Therefore, Applicants request withdrawal of this ground of rejection.

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Reply to Office Action of 4/19/04

Docket No. 4072-4001

CONCLUSION

In the event that a telephone conference would facilitate prosecution of the instant application in any way, the Examiner is invited to contact the undersigned at the number provided.

It is now believed that all pending claims are in condition for allowance. In view of these amendments and remarks, an early and favorable reconsideration is respectfully requested.

Respectfully submitted,

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